

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

**RAFAEL VILLARREAL,
Plaintiff,**

§
§
§

V.

CA C-07-321

**DR. HERRERA, ET AL.,
Defendants.**

§
§
§

**MEMORANDUM OPINION AND ORDER DENYING WITHOUT
PREJUDICE MOTION FOR DISCOVERY**

Plaintiff is an inmate in the Texas Department of Criminal Justice - Institutional Division, currently incarcerated at TDCJ-CID's Telford Unit in New Boston, Texas. Proceeding *pro se*, plaintiff filed a civil rights complaint pursuant to 42 U.S.C. § 1983, alleging that defendant/prison officials at the McConnell Unit in Beeville, Texas, were deliberately indifferent to his serious medical needs (D.E. 1). All claims except those against Dr. Herrera have been dismissed (D.E. 15). Dr. Herrera filed his answer on December 17, 2007 (D.E. 17). Pending is plaintiff's motion for discovery (D.E. 20).

Plaintiff's motion for discovery (D.E. 20) is denied without prejudice. Undersigned notes at the outset that plaintiff's motion is defective. Plaintiff did not mail a copy of his motion to counsel for the defendant, nor did he include a certificate of service in his motion. Plaintiff is required to provide to counsel for defendant a copy of all pleadings filed with the court. FED. R. CIV. P. 5(b)(2)(C) (eff. December 1, 2007); In addition, plaintiff's motions must contain a certificate of service reflecting that counsel for the defendant was served with

a copy. FED. R. CIV. P. 5(d); LR5.4. Failure to comply in the future will result in pleadings being struck without notice.

Plaintiff's discovery requests shall not be filed with the court. FED. R. CIV. P. 5(d); LR5.5. Plaintiff should mail his discovery requests directly to counsel for the defendant. If counsel for the defendant does not comply with the discovery request within thirty days, then plaintiff may file, with the court, a motion to compel discovery. FED. R. CIV. P. 37(a)(3) (eff. December 1, 2007).

ORDERED this 11th day of January, 2008.



B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE